IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 18221 of 2007(T)

PETITIONER:

K.P.RANADEVAN, S/O. PURUSHOTHAMAN,
REJIN NIVAS, EZHUPUNNA P.O., CHERTHALA,
ALAPPUZHA.

BY ADV. SRI.JOBY CYRIAC

RESPONDENTS:
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1. THE SECRETARY,
EZHUPUNNA GRAMA PANCHAYATH (SPECIAL GRADE),
EZHUPUNNA P.O., CHERTHALA.

2. THE PRESIDENT,
EZHUPUNNA GRAMA PANCHAYATH (SPECIAL GRADE),
EZHUPUNNA P.O., CHERTHALA.

3. THE ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
THONDANKULANGARA, THATHAMPALLY P.O., ALAPPUZHA.

4. DISTRICT MEDICAL OFFICER (HEALTH),
ALAPPUZHA.

BY GOVT. PLEADER SRI.MOHAMMED ANZAR
ADV. SRI.M.K.CHANDRAMOHANDAS, SC, PCB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE ORDER DTD. 18-5-07 BY THE FIRST RESPONDENT ON BEHALF OF R2**
EXT.P2	**TRUE COPY OF THE APPLICATIONS PENDING BEFORE THE THIRD RESPONDENT.**
EXT.P3	**TRUE COPIES OF THE APPLICATIONS PENDING BEFORE THE FOURTH RESPONDENT.**
EXT.P4	**TRUE COPY OF THE CERTIFICATE ISSUED BY THE VETERINARY SURGEON, VETERINARY DISPENSARY, EZHPUNNA.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 18221 OF 2007

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Dated this the 15th day of June, 2007

JUDGMENT

Petitioner challenges Ext.P1 order. He seeks a direction not to implement Ext.P1 order until the expiry of statutory appeal period under section 271 of the Panchayat Raj Act. He also seeks a direction to respondents 3 and 4 to pass orders on Ext.P2 and P3 applications pending before them respectively.

2. Case of the petitioner in brief is that petitioner is running a pig farm which was started in the year 1985. By Ext.P1 order Panchayat directed him to remove the pigs.

3. I heard learned counsel for the petitioner and the counsel appearing for the Panchayat also.

4. Sri.Madhu Radhakrishnan sought time to apply for impleading. But in the nature of the order that I propose to pass, it is not necessary for me to pass formal orders. Learned counsel for the petitioner does not dispute that

there is an alternate remedy as far as the petitioner is concerned.

5. In such circumstances, I should relegate the petitioner to pursue the alternate remedy in so far as his challenge to Ext.P1 is concerned. Accordingly, I relegate the petitioner to pursue the alternate remedy available to him under law against Ext.P1. Petitioner seeks urgent relief in regard to Ext.P1. It is open to the petitioner to apply before the authority considering the appeal or the revision as the case may be to pass appropriate interim orders thereon, in which case the authority considering either the appeal or the revision will pass appropriate orders in accordance with law on the application seeking interim relief within five days from the date of receipt of the application. The authority will certainly consider the objections which may be raised either by the Panchayat or by any affected party who wishes to be heard in the matter of passing such orders also.

Petitioner also seeks a direction to respondents 2 and 3 to pass orders on Ext.P2 and P3. There will be a direction to respondents 3 and 4 to consider and pass orders on Exts.P2 and P3 applications if the said applications has been received in accordance with law within a period of six weeks from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

(K.M.JOSEPH, JUDGE)

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